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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 August 2002, at 3 p.m.

Chairperson: Mr. PINHEIRO

later: Mr. YOKOTA
(Vice-Chairperson)

later: Mr. PINHEIRO
(Chairperson)

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The meeting was called to order at 3.20 p.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 4) (continued)

(E/CN.4/Sub.2/2002/3, 8-12, 14, 15, 17, 41, 43 and 44; E/CN.4/Sub.2/2002/NGO/6, 9-12, 17, 21 and 26; E/CN.4/Sub.2/2002/WG.2/WP.1 and Add.1 and 2; E/CN.4/Sub.2/2001/WG.2/WP.2)

1. Ms. HISBANI (Liberation) said that, although Pakistan had ratified the International Covenant on Economic, Social and Cultural Rights in 1966, it had still not passed any laws or adopted policies to protect the basic rights of its smaller nations, women and religious minorities. Instability in Pakistan derived from the fact that one province, Punjab, was dominant in all spheres of power, the people of the other provinces being systematically denied their rights.

2. She was deeply concerned about the impact of the Thal Flood Water Canal irrigation project, undertaken without a consensus, on the people of Sindh. Water was vital for people's survival and security and it was not impossible that competition over water in Pakistan would eventually lead to conflict. The right to development, food, water and education could be safeguarded only where people were empowered through democracy and such rights had been denied to the people of Pakistan for three years. General Musharaf had recently announced constitutional amendments legitimizing his military dictatorship and a permanent dominant role for the military in all future governments in Pakistan. That would deprive the oppressed nations (including Sindh and Baluchistan) of any share in the governance in their own provinces or in the federal Government. The Sub-Commission should appeal to the Government of Pakistan to restore their democratic rights to its peoples.

3. Mr. Yokota, Vice-Chairperson, took the Chair.

4. Mr. SHARMA (Afro-Asian Peoples' Solidarity Organization) said that the right to development depended on national action and international cooperation in an environment of peace and stability. Jammu and Kashmir, which had been the third richest state in India prior to the advent of externally-sponsored terrorism, was an example in point. A recent survey had shown that more than 85 per cent of the state's population believed that lasting peace and stability, so crucial for the realization of the right to development, could be achieved only through the holding of free and fair elections and an end to militant violence. In September 2002, the state would be going to the polls and it was imperative that the international community and the Sub-Commission should impress upon Pakistan the importance of the electoral process. The only way forward for Jammu and Kashmir was for the people to realize their inalienable right to development through peaceful democratic means.

5. THE CHAIRPERSON said that some of the statements made by the representatives of non-governmental organizations (NGOs) were not restricted to the agenda item under discussion. He asked all speakers to refrain from straying beyond the topic of economic, social and cultural rights.

6. Mr. BHAN (International Institute for Peace) said that the enjoyment of economic, social and cultural rights presupposed the existence of a political and social environment permitting individuals freedom of expression and choice and the freedom to exploit natural resources. The

benefits of globalization could not be generally enjoyed if interaction between individuals and the optimum utilization of human resources was restricted by State policies which discriminated against groups and communities. The constitutional, legal and institutional structures of nations needed to be so fashioned as to ensure that the rights, privileges and freedoms of minority groups were guaranteed and effectively protected.

7. In some countries, however, Pakistan being an example, the possibility of people enjoying their economic, social and cultural rights was almost non-existent. The constitutional, legal, social and institutional structure of that country not only divided society into segments but officially sanctioned discrimination against the various segments. The Constitution did not permit any member of a minority community to become President, laws had reduced women to the status of chattels and the educational establishment had been tainted by the environment of discrimination. Attempts at development had been thwarted by the activities of militants and an ethos of aggression divided society. The international human rights community must focus on the processes under way in Pakistan as a warning to other countries about the pitfalls of pursuing misplaced strategic and political ambitions at the cost of the people's welfare.

8. Mr. CAN (Transnational Radical Party) said that, under the Chinese colonial occupation of East Turkestan, the Uighurs were struggling to survive and their fundamental rights and freedoms, including civil, social, political and economic rights, were being violated. Uighurs were persecuted for advocating adherence to human rights and because they pleaded for the same rights as the Chinese in their political, economic and social life.

9. China had brought in its own labour force to exploit the natural resources of East Turkestan and it monopolized the local labour market, only Chinese speakers being employed. As a result more than 85 per cent of the Uighurs were forced to work in agricultural plantations. The Uighur educational system was being undermined to the extent that the survival of the Uighur language was under threat. Professors in higher educational institutions were required to deliver lectures in Chinese and severe restrictions had also been placed on Uighur literature.

10. His organization thus called on the Sub-Commission to send a mission of inquiry to investigate access to the labour market and educational system, and to urge China to end its birth control policy imposed on Uighur women against their will and beliefs; stop the illegal population transfer of Han Chinese to East Turkestan and repeal its recent decision to abolish teaching in Uighur at the university level.

11. Mr. OZDEN (Europe-Third World Centre) said that the liberalization of trade and the privatization of all sectors of the economy, as dictated by the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO), had tragic consequences for the majority of the world's people. Despite the increasing opposition to globalization, the IMF and the World Bank were imposing privatization, including that of public services, as a precondition for the granting of credits to countries in need. His organization was most concerned, therefore, about the negotiations launched by the WTO in connection with the review of the General Agreement on Trade in Services (GATS) which targeted the privatization of public services. The liberalization of other sectors had had catastrophic consequences in most regions of the world, particularly for the countries of the South.

12. The enormous capital amassed by transnational corporations gave them unprecedented power. Their sole objective was to maximize their profits and they were prepared to use any means to do so, violating labour rights and human rights in the process. A mandatory legal framework should therefore be established for such corporations.

13. With regard to the right to water, his organization had submitted to the Sub-Commission a written statement drawing attention to the disastrous consequences of the privatization of water. The right to water was a recognized human right and water could not be treated as a commodity.

14. Ms. HAMPSON, having congratulated the sessional working group on the working methods and activities of transnational corporations on the significant progress it had made, said she was pleased that the Commission had allowed the Sub-Commission to study the question of water which caused problems in every region of the world. There was a need to distinguish between situations where there was not enough water to meet all the competing demands and those relating to difficulty of access. She also hoped that future reports would consider the impact on women of the problem of access to water. With regard to the privatization of water supplies, she had no objection in principle to payment for water, provided that people had effective access to drinking water and water for washing. There was a real risk of conflict breaking out over water resources within the foreseeable future and that was why it was so important to undertake a study as soon as possible.

15. She welcomed the holistic approach of the ad hoc working group's report on poverty and human rights (E/CN.4/Sub.2/2002/15) and agreed that the issue of gender and the feminization of poverty should be addressed separately. On the question of international cooperation (para. 23) she wished to point out that there was some discussion of the obligations of developed States in General Comments 2 and 3 of the Committee on Economic, Social and Cultural Rights. She was unsure, therefore, whether it was necessary at the current stage to envisage an international convention.

16. She congratulated Mr. Bengoa on the fact that the Social Forum had met, despite the many difficulties encountered, and also on the work which it had begun. She hoped that it would be possible to envisage a mechanism similar to that for indigenous peoples, enabling the representatives of grass-roots groups to attend Sub-Commission meetings.

17. She had two main concerns regarding the report by the High Commissioner on the liberalization of trade in services (E/CN.4/Sub.2/2002/9). Firstly, the report did not make it clear that a variety of problems could arise in connection with the economic activities of foreign companies and did not address the critical issues of access to the services in question when provided by a foreign for-profit supplier. Secondly, with regard to the presence of foreign persons, the report paid inadequate attention to the problems involved, such as the movement of highly-qualified personnel constituting a brain drain or the thousands of unskilled people migrating to take positions in other countries. Bilateral agreements needed to be put in place by the sending and receiving countries.

18. With regard to the note by the secretariat on intellectual property rights and human rights (E/CN.4/Sub.2/2002/41), some of the issues which still needed to be explored were what could be patented, the nature of patent rights, their scope and their duration. She hoped that the Office of the High Commissioner for Human Rights (OHCHR) would take into account the expert group's first recommendation that the initiative should not be confined to the human genome and its call for the convening of a meeting of experts to consider the relationship between human rights and the developing international law of patents.

19. She appreciated the participation of the World Bank in the Sub-Commission's deliberations and hoped that other bodies, such as the IMF, would eventually follow suit.

20. Mr. AHSAN (Interfaith International) said that the ruling Punjabi oligarchy of Pakistan was acting in complete disregard of the rights of ethnic, linguistic and cultural minorities, in violation of article 2 of the International Covenant on Economic, Social and Cultural Rights. The National Finance Commission had devised a discriminatory formula for the distribution of financial resources that drained wealth away from the province of Sindh, in which the Sindhi and Mohajir minorities lived. Water allocation for the province had been considerably reduced, with a devastating effect on the local economy. In the coming years, the authorities proposed to construct a dam which would further reduce water resources for Sindhi farmers while providing electric power for exclusive supply to the Punjab province. Plans to build a motorway bypass around Karachi would lead to the forcible eviction of 25,000 Sindhi families from their homes. Religious discrimination also took place, with the support of government agents, against all non-Muslim groups. He called on the Sub-Commission to remind the Government of Pakistan of its international commitment to prevent discrimination.

21. Mr. GUISSÉ welcomed the comments made by Ms. Hampson concerning his reports on water and extreme poverty. It was evident that, while oil had been and continued to be a source of violent conflict, water resources would be the source of similar conflicts in the foreseeable future. It was of the utmost importance to raise awareness of the problem and to propose solutions.

22. Ms. PARKER (International Educational Development) said that the protection of culture was essential to the fulfilment of human rights and, conversely, that activities designed to obliterate the cultural references necessary to preserve a given people could be described as acts of genocide. She expressed concern over the plans of the United States of America to carry out saturation bombing campaigns in Iraq. Not only would that result in a catastrophic loss of human life, but it would also destroy the priceless heritage of the cradle of civilization. It would also threaten the survival of the Kurdish people, who were already suffering at the hands of the Government of Iraq. Such a war would inevitably step up discrimination against them in both Iraq and Turkey.

23. Welcoming the preliminary report on the right to drinking water (E/CN.4/Sub.2/2002/10), she said that scientists had recently proposed a new explanation for the cycles of drought affecting Africa. Migrating air pollution from North America caused most of the rain to fall in the Atlantic Ocean before it reached Africa. The forthcoming report should

consider the issues of legal liability related to that phenomenon. It should also look into up-river pollution or the excess use by one country of waterways that traversed the territory of more than one State.

24. With respect to extreme poverty and the right to food, her organization was concerned about plans by the United States of America to impose genetically modified maize on countries seeking humanitarian food aid to avert starvation. Farmers in the recipient countries who used the seed for new crops could be required to pay royalties to the companies that had patented the genetically altered foodstuffs, and that would greatly reduce their profits. That was quite apart from the doubts that had been expressed in many quarters about the safety of the genetic modification process.

25. Mr. BEERSMANS (International Movement for Fraternal Union among Races and Peoples) said that the population of Jammu and Kashmir had been terrorized for over a decade by armed Muslim fundamentalists, often with the support of neighbouring Pakistan. A dispute over autonomy, or even total independence, had been turned into a holy war against non-Muslims. The campaign of violence targeted Sikhs, Hindus and even moderate Muslims who proposed dialogue and peaceful coexistence. He called on all persons in positions of responsibility in the area to use their influence to seek a peaceful resolution to the dispute.

26. Ms. SPALDING (Women's Sport Foundation) said that her organization was committed to the development of healthy, responsible individuals through encouraging young people to participate fully in the life of their communities. It had gathered a number of young people together during the current session to collect their views on the work of the Sub-Commission. Delivering the conclusions of those discussions, she said that, above all, they had stressed the importance of sustainable development in all spheres of human interaction. Considering the valuable contribution of indigenous peoples in seeking to achieve that goal, they had called for a further mandate to be given to the Working Group on Indigenous Populations.

27. They had further requested the drafting and distribution of simplified versions of the Universal Declaration of Human Rights. They had recommended that a trans-generational meeting should be held to discuss ways of inserting the Declaration into public school curricula throughout the world. They had supported participatory development methodologies, in order to bring greater accountability to the United Nations contribution to development. They had requested continued support for the United Nations Information Technology Service (UNITeS), with a view to promoting efforts to bridge the digital divide. They had urged consideration of a Tobin Tax, or similar initiative, to reduce poverty worldwide in the light of the Millennium Goals, and had called on transnational corporations to play a more active role in implementing the principles of the Global Compact.

28. Mr. KHAN (European Union of Public Relations) said that the denial of the economic, social and cultural rights of any group by a more powerful group represented a threat to its very identity. The inhabitants of both parts of Jammu and Kashmir faced such a situation. In the Indian-occupied part, extremist groups had done widespread damage to the economic infrastructure, the cultural heritage and civil society. The destruction of roads, educational institutions and telecommunications had caused great hardship. As well as attacking non-Muslims, the extremists had also imposed a dress code on women and put pressure on the

media, thereby undermining the communal harmony and religious tolerance that had characterized Kashmiri culture for centuries. The Indian security forces were not blameless, however, and had seized upon the extremists' activities as justification for their own operations.

29. The situation was equally grim in the Pakistani-occupied areas. Resources and funds had been diverted from education, water supply and health to sustain the militants in the Indian-held areas. Foreign extremists in Azad Kashmir were promoting Government-supported Madrasas (religious schools) that preached jihad and refused to countenance anti-war activities. The Pakistani Government's economic exploitation continued apace as it pressed ahead with the Mangla Dam project - which, by its own estimates, would displace over 42,000 families - and with gold mining and other mineral extraction. The people of Gilgit Baltistan lacked any fundamental rights, since the area was being governed without a constitution or legislative assembly. They were probably quite unaware of concepts such as the right to housing, drinking water, education or adequate food.

30. Mr. GONZALES (International Indian Treaty Council), speaking also on behalf of the Indigenous World Association, the Innu Council of Nitassinan and the International Baccalaureate Organization, said that agenda item 4 covered a range of topics of importance to indigenous peoples, including the rights to water and food and the right to development. Although indigenous peoples had, in some parts of the world, been forced off the land into urban areas and had come to rely on wages for food and basic necessities, their traditional close relationship with the land continued in most places and was recognized in international instruments and expert studies, as well as in declarations calling for the recognition and protection of their right to their lands, cultures, languages and religions.

31. According to the International Covenant on Economic, Social and Cultural Rights, no State or group should engage in any activity aimed at the destruction or limitation of any of the rights or freedoms recognized in the Covenant, and States had a duty to move towards the full realization of those rights through international assistance and cooperation. Nevertheless, United Nations experts and rapporteurs had found that economic and social rights had been adversely affected by the policies and lending practices of international institutions such as the World Bank and the IMF. The IMF, indeed, had made no attempt to recover the vast funds stolen from its loans by corrupt leaders, but had instead imposed harsh structural adjustment programmes on the countries concerned in order to ensure that the debts were repaid, at the expense of people's right to development, food and drinking water, among others.

32. He warmly welcomed Mr. Guissé's preliminary report on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation (E/CN.4/Sub.2/2002/10). The global water business had a profound effect on the traditional way of life of indigenous peoples, whether by siphoning off river water upstream and leaving mere trickles for those further downstream, restricting access to water by raising prices following privatization, or depleting groundwater tables for use in industry.

33. Lastly, referring to the document, on the collection, study and commercialization of human genomes and their impacts on the rights of indigenous peoples (E/CN.4/Sub.2/AC.4/1998/4/Add.1), he said that indigenous peoples called for a moratorium on the patenting and consequent commodification of life forms. Free and prior informed consent in connection with intellectual property were key principles for those peoples.

34. Mr. MADELIN (International Federation of Human Rights Leagues) (FIDH) said the crisis in Argentina was exacerbating such existing problems as income inequalities, unemployment and deteriorating public services. Responsibility for the current violations of economic, social and cultural rights could be laid at the door of the Government and of the minority of the Argentine people who had profited from what amounted to criminal economic policies. The IMF shared some of that responsibility in view of its inflexible attitude.

35. Despite the fact that Albania was a major recipient of international aid destined to help it realize economic, social and cultural rights, it was failing to meet even its basic commitments. Essential services were lacking and there were deficiencies in infrastructures, health-worker training and industrial and environmental regulation.

36. The New Partnership for Africa's Development (NEPAD) was founded on the principle of the precedence of human rights, but FIDH was concerned to note that it had not adopted the principle of the indivisibility of all rights. His organization was equally concerned at the economic policies announced thus far - in effect mere reproductions of those of the Bretton Woods institutions which were widely recognized as having undermined human rights - and at the lack of prioritization in allocating investment funds, which would prevent States from fulfilling their obligation to devote the maximum resources available to meeting the basic needs of their populations.

37. FIDH therefore called on the Sub-Commission to carry out a study on the place of human rights in the objectives of international official aid and cooperation mechanisms. With a view to the World Summit on Sustainable Development, it also requested the Sub-Commission to send a clear message to States, international organizations and corporations to adopt a rights-based approach to sustainable development.

38. Ms. ARIF (International Islamic Federation of Student Organizations) said her organization welcomed the high priority given to the right to development by the Commission on Human Rights and, in particular, its extension of the mandate of the Working Group on the Right to Development.

39. She urged the Sub-Commission to recognize the large-scale mobilization of armed forces by a State against its neighbours as a major obstacle to the achievement of the objectives of the Declaration on the Right to Development. India, for example, spent enormous financial resources on keeping more than half a million troops at battle stations along the Line of Control in Kashmir, a questionable policy when hundreds of millions of its people were living below the poverty line and the door to dialogue was open. Withdrawal of those forces would free the resources India's people desperately needed to enjoy the right to development currently denied them. It would also enable Pakistan to allocate more resources to the eradication of poverty.

40. Ms. WADHERA (Asian Centre for Organization Research and Development) said open, democratic, liberal societies tended to cope with threats such as war or invasion by accepting a temporary curtailment of human rights in order to protect a longer-term vision of political, economic, social and cultural rights. Since the Second World War, however, democratic societies had at times found themselves under attack in undeclared wars, and that placed them on the horns of a dilemma: if they took the steps they would normally take in time of formally declared war, they would be accused of State repression of citizens' rights while, if they did not, they would be unable to defend themselves. Another major threat to human rights that had arisen in recent times was internal conflict, often leading to ethnic cleansing or genocide as one culture attempted to impose itself on another or even wipe it out.

41. The Sub-Commission should develop guidelines for States on how democratic societies could protect both the State and individual rights, not only in times of formal war but also in situations of undeclared war such as cross-border guerrilla warfare and transnational terrorism, as well as in internal conflict. They should include principles under which other States and international bodies could intervene to stop genocide and prevent its perpetrators from acting with impunity.

42. Similar guidelines were needed in two other complex grey areas: the protection of human rights in theocratic States, where men and women had different rights and the freedoms of speech and religious conviction were limited; and ways in which internal democratic institutions and the international community could legitimately act to protect rights against military or civilian dictatorships and, if crimes against humanity were committed, bring the perpetrators to justice.

43. Mr. Pinheiro, resumed the Chair.

44. Mr. BALTI (Tunisian Association for Self-Determination and Solidarity) said that, although free trade and the rapid dissemination of information should, in theory, contribute to people's well-being and their enjoyment of human rights, globalization was in fact taking an alarming turn that pitted it against international human rights law. More and more often, "interests" were at stake rather than universal values and, even in United Nations bodies and conferences, Governments were adopting positions that were contrary to their human rights obligations.

45. Safeguards protecting the vital principle of the precedence of human rights over trade agreements needed to be introduced into the WTO rules and civil society needed to be involved in all decisions affecting the enjoyment of human rights. In that regard, he urged the establishment of mechanisms to enable NGOs to play a positive role in the WTO negotiations so as to help bring about a more equitable world order based on solidarity, tolerance, peace and security.

46. Mr. KHOURI (Union of Arab Jurists) said that economic, social and cultural rights could not be enjoyed in a situation of armed conflict. Articles 1 and 2 of the Charter of the United Nations stipulated that one of the purposes of the Organization was to achieve international cooperation in solving international problems and that it was based on the

sovereign equality of nations. Those provisions were, however, being flouted by two maverick States, the United States and the United Kingdom, which persisted in their aggression against other nations. ...

47. The CHAIRPERSON asked the speaker to limit his statement to the agenda item under consideration.

48. Mr. KHOURI (Union of Arab Jurists) said that economic, social and cultural rights were violated by wars and conflicts. The Iraqi people's enjoyment of those rights and of the right to development was severely hampered by the economic embargo and the attacks on Iraq by the United States and the United Kingdom, which were a violation of international law and international humanitarian law and were destroying the country's economy and its health and education services. Moreover, since 11 September 2001, the United States had been using the fight against terrorism as a pretext for preparing further attacks on Iraq. ...

49. The CHAIRPERSON said that, if the speaker persisted in referring to subjects for which ample time was allocated under other agenda items, he would be obliged to rule him out of order and move on to the next speaker.

50. Mr. KHOURI (Union of Arab Jurists) called on the Sub-Commission to adopt a resolution upholding the precepts of international law, offering protection to the Palestinian people and calling for an end to the embargo against Iraq and to the attacks on it.

51. Mr. MNGUNI (Pax Romana) said that many Governments in developing countries were violating the right to life by neglecting their duty to ensure the availability and accessibility of healthy drinking water. Those Governments that privatized the few available water supply services were further guilty of placing corporate profits above the interests of the poor. Privatization had placed the cost of water beyond the reach of many of the urban poor in various parts of the world, thereby denying them their right to water. In Africa, most poor people drew their water directly from rivers, wells and lakes which were often polluted, sometimes by the local authorities, and were thus exposed to constant danger from water-borne diseases, which killed tens of thousands of children every day. The plight of the urban poor, living in slums without water supplies or other basic amenities, was often overlooked in development programmes. The rural poor, on the other hand, who depended on agriculture for their subsistence must be made aware of the need to utilize water resources productively.

52. Sustainable development was only possible if there was an equitable distribution of water. He therefore urged the Sub-Commission to recommend to the World Summit on Sustainable Development that it should treat the right to safe drinking water as a priority issue. He also recommended that the Sub-Commission should make an in-depth study of the impact of privatization on the full enjoyment of all rights, including the right to safe drinking water, and consider how that right could best be integrated into the policies of Governments and intergovernmental organizations.

53. Mr. KAMAROTOS (Médecins du Monde–International) said that more attention should be paid to the right to health, especially in the current context of economic globalization. The situation in Argentina was a dramatic illustration of the impact of globalization on the enjoyment

of the right to health. Since the country had defaulted on its debt, local authorities had stopped ordering pharmaceutical products and supplies of basic medicines had fallen to such low levels that hospitals were having to postpone surgical operations. His organization's warning to the pharmaceutical companies and the Government that they would be held morally and legally responsible for any consequences, including deaths, resulting from the shortage of supplies in hospitals had made little impact.

54. The provision of medicines and medical equipment was a matter for the public sector and the State had a duty to guarantee the right to health and access to health care and facilities. The failure by Governments to uphold and implement the right to health highlighted a crucial problem related to globalization; that of inadequate access to medicines. For example, effective treatment was available for tuberculosis but was inaccessible to the majority of sufferers. Adulterated or out-of-date medicines were also in circulation on the black market in many countries, while market considerations had led the drug companies to stop production of medicines to treat malaria, which still killed 2 million people a year.

55. Meanwhile drug companies' pricing policies meant that 95 per cent of the people suffering from AIDS could not afford antiretroviral drugs. The worldwide medical emergency was not limited to the AIDS epidemic, however 2.4 billion human beings had no access to basic health facilities. Everything possible should be done to reduce that figure. He therefore asked the Sub-Commission to support the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, which would introduce a formal complaints procedure, and also to make the right to health the subject of the next Social Forum.

56. Mr. CHAPMAN (Minority Rights Group International) said that the omission of any mention of minorities or indigenous peoples in Commission on Human Rights resolution 2002/69, on the right to development, must be seen as a step backwards. It was essential to pay special attention to those groups as they were the targets of racism and victims of poverty all round the world. While pursuit of the Millennium Development Goals could contribute to the realization of the right to development, those Goals could be achieved without necessarily improving the lives of minorities and indigenous peoples. Moreover, in seeking to achieve those Goals, Governments and development agencies could adopt policies that were incompatible with the rights of minorities and indigenous peoples; for example, the Goal of achieving universal primary education by 2015 could be met while placing children from those groups at a disadvantage by under-resourcing schools in their communities not making education available in their mother tongue. The persistent exclusion of minorities and indigenous peoples could also lead to conflict, and that could, in turn, undermine progress towards the Goals.

57. The Sub-Commission could make an important contribution to the achievement of the Millennium Development Goals by reviewing them from a human rights perspective and offering guidance to States and international organizations on how to pursue them without violating the right to development. The Sub-Commission should invite States and the specialized agencies of the United Nations to submit information on the impact of their policies to achieve those Goals on the rights of minorities and indigenous peoples. In that regard,

consideration should be given to the need to acknowledge explicitly that discrimination against those groups was a key factor in their exclusion from the benefits of development and to ensure that they were involved in the policy-making process.

58. In addition, OHCHR and other relevant agencies and mechanisms should give greater consideration to minority and indigenous rights in their work and the ad hoc working group on poverty and human rights should include indigenous peoples in its list of themes, which already included minorities, and should consider the ways in which discrimination was a barrier to poverty reduction.

59. Mr. MENDOZA (International League for the Rights and Liberation of Peoples) said that most of the problems arising from the negative effects of globalization were directly linked to the lack of sovereignty exercised by peoples. The nation-State was fundamental to the system of dominance imposed by neo-liberal policies in that its economic, political and cultural macrostructures had historically guaranteed the exploitation of indigenous populations and the repression of dissent. That was why nation-States had not disappeared but had simply redefined their power in the new context of regional integration processes in which national communities and indigenous populations were passive spectators. The struggle of peoples against policies of assimilation and annihilation of their identity was the main source of opposition to the nation-State. Indeed, many of the low-intensity wars since the end of the Second World War had been linked to the defence of national identity and self-determination and the struggle by stateless nations had created flashpoints around the world.

60. The reduction of peoples' sovereignty as a result of the activities of transnational corporations was another factor in social and political protest. He suggested that a study should be made with a view to setting up a specialized "observatory" under the auspices of the United Nations to evaluate the contribution of transnational corporations to the realization of economic, social and cultural rights, examine the environmental hazards caused by transnational corporations, prepare codes of conduct and, generally, focus on ethical investment practice.

61. He stressed that the right to self-determination was a collective and universal right recognized in the Charter of the United Nations and other international instruments. The universal implementation of that right would entail a major redistribution of power in the world and the establishment of a new democratic international order based on equality, freedom and respect, in which stateless peoples would be free to determine their own social and political structures.

The meeting rose at 6 p.m.